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TO *6385*11973003*7 P.01

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| | | | | |
|-------------------------------|---|----------------------|--------------|-----------------|
| Date | October 10, 2005 | Client-Matter | 11973-003 | Fax Transmittal |
| Total Pages (Including Cover) | 13 | | | |
| From | Robert Mayer | | | |
| Sender's Voice Number | 212.969.3246 | Sender's Room Number | 1632 | |
| Sender's Email Address | rmayer@proskauer.com | Main Fax Number | 212.969.2900 | |
| To: | | Fax No.: | 571-273-8300 | |
| Company: | United States Patent & Trademark Office | Voice No.: | | |

Message

In re the Application of:

Stephen Solomon et al.

Serial No.: 10/702,194

Filed: November 4, 2003

For: FOOD EXTRACTION APPARATUS
AND METHOD

Group Art Unit: 3761

Examiner: Keshia L. Gibson

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Attached please find:

1. Fee Transmittal; and
2. Preliminary Amendment.

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PTO/SB/21 (09-04)

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| | | | |
|--|----|------------------------|------------------|
| TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i> | | Application Number | 10/702,194 |
| | | Filing Date | November 4, 2003 |
| | | First Named Inventor | Stephan Solomon |
| | | Art Unit | 3761 |
| | | Examiner Name | Keshia Gibson |
| Total Number of Pages in This Submission | 12 | Attorney Docket Number | 11973-003 |

ENCLOSURES (Check all that apply)

| ENCLOSURES (check all that apply) | |
|---|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form | <input type="checkbox"/> Drawing(s) |
| <input type="checkbox"/> Fee Attached | <input type="checkbox"/> Licensing-related Papers |
| <input checked="" type="checkbox"/> Amendment/Reply | <input type="checkbox"/> Petition |
| <input type="checkbox"/> After Final | <input type="checkbox"/> Petition to Convert to a Provisional Application |
| <input type="checkbox"/> Affidavits/declaration(s) | <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address |
| <input type="checkbox"/> Extension of Time Request | <input type="checkbox"/> Terminal Disclaimer |
| <input type="checkbox"/> Express Abandonment Request | <input type="checkbox"/> Request for Refund |
| <input type="checkbox"/> Information Disclosure Statement | <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD |
| <input type="checkbox"/> Certified Copy of Priority Document(s) | <input type="checkbox"/> Remarks |
| <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application | |
| <input type="checkbox"/> <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | |
| | <input type="checkbox"/> After Allowance Communication to TC |
| | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences |
| | <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) |
| | <input type="checkbox"/> Proprietary Information |
| | <input type="checkbox"/> Status Letter |
| | <input type="checkbox"/> Other Enclosure(s) (please identify below): |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | | | |
|--------------|---|----------|--------|
| Firm Name | Proskauer Rose LLP | | |
| Signature |  | | |
| Printed name | Robert S. Mayer | | |
| Date | October 10, 2005 | Reg. No. | 38,544 |

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

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|-----------------------|---|
| Signature |  |
| Typed or printed name | Robert S. Mayer, reg. no. 38,544 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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OCT 10 2005

PTO/SB/17 (12-04v2)

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Effective on 12/08/2004.
Fee pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4816).

FEE TRANSMITTAL For FY 2005

 Applicant claims small entity status. See 37 CFR 1.27TOTAL AMOUNT OF PAYMENT (\$)
950.00

| Complete If Known | |
|----------------------|------------------|
| Application Number | 10/702,194 |
| Filing Date | November 4, 2003 |
| First Named Inventor | Stephen Solomon |
| Examiner Name | Keshia Gibson |
| Art Unit | 3761 |
| Attorney Docket No. | 11973-003 |

METHOD OF PAYMENT (check all that apply)

- Check Credit Card Money Order None Other (please identify): _____
- Deposit Account Deposit Account Number: **16-2500** Deposit Account Name: **Proskauer Rose LLP**
- For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)
- Charge fee(s) indicated below Charge fee(s) indicated below, except for the filing fee
- Charge any additional fee(s) or underpayments of fee(s) Credit any overpayments

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FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

| Application Type | FILING FEES | | SEARCH FEES | | EXAMINATION FEES | | Fees Paid (\$) |
|------------------|-------------|--------------|-------------|--------------|------------------|--------------|----------------|
| | Fee (\$) | Small Entity | Fee (\$) | Small Entity | Fee (\$) | Small Entity | |
| Utility | 300 | 150 | 500 | 250 | 200 | 100 | _____ |
| Design | 200 | 100 | 100 | 50 | 130 | 65 | _____ |
| Plant | 200 | 100 | 300 | 150 | 160 | 80 | _____ |
| Reissue | 300 | 150 | 500 | 250 | 600 | 300 | _____ |
| Provisional | 200 | 100 | 0 | 0 | 0 | 0 | _____ |

2. EXCESS CLAIM FEES

Fee Description

Each claim over 20 (including Reissues)

Small Entity

Fee (\$)

Fee (\$)

50 25

Each independent claim over 3 (including Reissues)

200 100

Multiple dependent claims

360 180

Total Claims Extra Claims Fee (\$)

34 - 20 or HP = 14 x 25 = 350

Multiple Dependent Claims

HP = highest number of total claims paid for, if greater than 20.

Fee (\$)

Fee Paid (\$)

Indep. Claims Extra Claims Fee (\$)

9 - 3 or HP = 6 x 100 = 600

HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets Extra Sheets Number of each additional 50 or fraction thereof Fee (\$)

- 100 = / 50 = (round up to a whole number) x = Fee Paid (\$)

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): _____

| SUBMITTED BY | Signature | Registration No. (Attorney/Agent) | Telephone |
|-------------------|------------------------|--------------------------------------|-----------------------|
| Signature | <i>Robert S. Mayer</i> | 38,544 | 212-969-3000 |
| Name (Print/Type) | Robert S. Mayer | | Date October 10, 2005 |

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Serial No. 10/702,194
Attorney Docket No. 11973-003**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Application of:)
Stephen Solomon et al.)
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Filed: November 4, 2003)
For: FOOD EXTRACTION APPARATUS)
AND METHOD)
Group Art Unit: 3761)
Examiner: Keshia L. Gibson)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

PRELIMINARY AMENDMENT

Please amend the above-identified patent application as follows:

Amendments to the Claims are reflected in the listing of claims that begin on page 2 of this paper.

Remarks begin on page 10 of this paper.

10/12/2005 JBALINAN 00000094 162500 10702194

01 FC:2201 600.00 DA
02 FC:2202 350.00 DA
